

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

LISA LAMBERT,	:	
	:	
Plaintiff,	:	CIVIL ACTION NO:
	:	96 CV. 247 Erie
	:	
v.	:	Judge Sean J. McLaughlin
	:	Magistrate Judge BAXTER
SUPERINTENDENT WILLIAM WOLFE,	:	
et al.,	:	
	:	(Filed via ECF)
Defendants.	:	
	:	

**MOTION FOR SUBSTITUTION UNDER RULE 25**  
**UPON SUGGESTION OF DEATH**

Plaintiff was notified and served with Defendant Keith Bartlett's Suggestion of Death Upon the Record Under Rule 25 on October 13, 2006. Plaintiff respectfully moves for substitution of Bartlett by Bartlett's estate, successors or representatives, pursuant to Rule 25(a) of the Federal Rules of Civil Procedure. See McKenna v. Pacific Rail Serv., 32 F.3d 820, 836 (1994) (explaining that the other party, executor or administrator may move for substitution of the deceased within 90 days of when Suggestion of Death was filed, not from date of actual death); see also Darmanchev v. Roytshteyn, 234 F.R.D. 78, 82 (E.D. Pa. 2005) (granting motion to substitute defendant's personal representative where defendant had died).

Therefore, Plaintiff respectfully requests that Defendant Bartlett's estate, successors, or representatives be substituted pursuant to F.R.C.P. 25(a).

Respectfully submitted,

/s/Angus Love

Angus Love, ID # 22392  
Pennsylvania Institutional Law Project  
Cast Iron Building  
718 Arch Street, Suite 304 South  
Philadelphia, PA 19106  
(215) 925-2966

Date: October 17, 2006

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	:	
Defendants.	:	
	:	

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the Motion for Substitution Under Rule 25 Upon Suggestion of Death was served upon the following via ECF this 17<sup>th</sup> day of October 2006:

Rob Willig  
Office of the Attorney General  
564 Forbes Avenue  
6<sup>th</sup> Floor, Manor Complex  
Pittsburgh, PA 15219

I hereby certify that a true and correct copy of the Motion for Substitution Under Rule 25 Upon Suggestion of Death was served upon the following via first class mail this 17<sup>th</sup> day of October 2006:

James Eicher  
209 McConnell Road  
New Wilmington, PA 16152

Respectfully submitted,  
\_\_\_\_\_  
/s/Angus Love  
Angus Love, ID # 22392  
Pennsylvania Institutional Law Project  
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